

cases, for the hearing and acting upon motions, questions of law, applications for injunctions and receivers, and for classifying and distributing cases and for having one calendar for all set cases in all courts and for prescribing when the different courts shall have jury trials and when they shall have non-jury trials, and such other rules as they deem advisable to facilitate the dispatch of business. All rules made by said judges shall be adopted by order of each judge and spread upon the minutes of his court, but such rule, shall not be inconsistent with any rule adopted or prescribed by the Supreme Court, nor in conflict with any law of this State.

Sec. D.

1. All laws in conflict herewith, or any of the provisions hereof are hereby repealed.

Sec. E.

1. The fact that the terms of the District Courts of the State of Texas, as now fixed by law, tend to retard the transaction of business therein and delay the trial of causes pending therein, and the dockets of said courts are congested, creates an emergency and imperative public necessity demanding that these constitutional rule requiring that all bills be read on three several days be suspended, and it is so suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, June 25, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Parr.
Holbrook.	Parrish.
Hornsby.	Patton.
Hyer.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Witt.
Thomason.	Woodul.
Westbrook.	Woodward.

Absent—Excused.

Beck.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Greer:

S. B. No. 182, A bill to be entitled "An Act making an appropriation for the erection of a monument in memory of John W. McFarlane, deceased; providing for the erection of said monument; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Cousins:

S. B. No. 183, A bill to be entitled "An Act to amend Subdivisions 58 and 60 of Article 199 of Title 8, Revised Civil Statutes of the State of Texas, which subdivisions relate to the district courts of the Fifty-eighth and Sixtieth Judicial Districts of Texas, and fixing the number of terms and the time for holding said courts, and prescribing the jurisdiction and providing for the administration of the business of said courts including the method of filing, docketing and transferring cases and prescribing certain duties of the district clerk, and the method of filling vacancies in the office of district clerk; and to conform all writs and process issued or served before this Act takes effect, including recognizances and bonds returnable to the terms of said courts as herein fixed; etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Stevenson:

S. B. No. 184, A bill to be entitled "An Act leasing to certain persons as trustees for Bee County American Legion Post No. 274 a tract of land

for park purposes; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hyer:

S. B. No. 185, A bill to be entitled "An Act to amend Article 2463 and 2465 of Subdivision 1 of Title 46 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Chapter 17 of the General Laws passed at the Regular Session of the Forty-first Legislature, and also amending Article 2484 of Subdivision 1 of Title 46, Revised Civil Statutes of the State of Texas, 1925, relating to credit unions and declaring an emergency."

Read first time and referred to Committee on Banks and Banking.

By Senator Patton:

S. B. No. 186, A bill to be entitled "An Act authorizing the commissioners' court of Houston County, Texas, to cooperate with the State Highway Department and the Federal Government in the construction of a bridge across the Trinity River between Houston and Madison Counties to be paid for partly by Houston County and partly by Madison County, and partly by the State and Federal Governments; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Wirtz:

S. B. No. 187, A bill to be entitled "An Act providing for the determination of the taxable value of property and the amount of taxes properly payable in cases where the validity of an assessment of taxes by an assessor, or the validity of the Act of a board of equalization in its adjustment thereof is in issue; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

S. B. No. 188, A bill to be entitled "An Act amending Section 19 of an Act passed by the Forty-first Legislature at its First Called Session, the same being S. B. No. 115, and correcting the same so as to repeal Chapter 66 of the Local and Special Laws of the Regular Session of the Thirty-ninth Legislature; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Pollard:

S. B. No. 189, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on taking effect of this Act, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Cunningham:

S. B. No. 190, A bill to be entitled "An Act creating a more efficient road system for Scurry County, Texas; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

At Ease.

On request of the Committee on State Affairs, the Senate stood at ease 30 minutes to allow the Committee to complete a hearing.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 154.

Motion to Print.

Senator Miller moved to print the minority committee substitute on S. B. No. 63.

The motion prevailed by the following vote:

Yeas—15.

Berkeley.	Miller.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Pollard.
Greer.	Russek.
Holbrook.	Stevenson.
Love.	Wirtz.
McFarlane.	

Nays—10.

Gainer.	Small.
Hardin.	Westbrook.
Hyer.	Williamson.
Moore.	Witt.
Patton.	Woodul.

Absent.

Hornsby.	Thomason.
Martin.	Woodward.

Absent—Excused.

Beck.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, June 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 17, relative to the settlement and final disposition of the rights and claims arising over the Oklahoma-Texas boundary dispute.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for the appointment of a Free Conference Committee on S. B. No. 493, the following are appointed on the part of the House:

Graves of Williamson, Stevenson, King, Loy, Gilbert.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 16, A bill to be entitled, "An Act to amend Art. 1302 of the Revised Civil Statutes of the State of Texas of 1925, so as to provide that private corporations may be formed for any lawful purpose or purposes, except as specified in this Act, etc., and declaring an emergency."

Respectively submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 111, A bill to be entitled

"An Act defining building and loan associations, providing for their incorporation and prescribing the terms, conditions and regulations upon which such companies may carry on their business in Texas; etc., and declaring an emergency."

With amendments.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Committee Report.

Senator Pollard sent up the following Free Conference Committee Report:

Committee Room,

Austin, Texas, June 24, 1929.

Hon. Barry Miller, President of the Senate,

Hon. W. S. Barron, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee appointed by your respective bodies to consider H. B. No. 1, have had said bill under consideration, and beg leave to report that we have reached the following agreement:

H. B. No. 1 provided for an appropriation of \$2,500,000.00 each year, whereas, it was amended in the Senate by providing an appropriation of \$3,000,000.00 each year. Your Conference Committee amended the bill by providing an appropriation of \$2,750,000.00 each year, and reduced the appropriation of \$500,000.00 each year to \$400,000.00 each year, for the purpose of paying high school tuition.

Other changes which were agreed upon are more fully set out in the Conference Committee Report attached hereto and made a part hereof.

Respectfully submitted,

POLLARD,

NEAL.

GREER.

DeBERRY.

WILLIAMSON.

On the part of the Senate.

SNELGROVE,

LONG of Houston,

McCOMBS.

GRAVES of Erath,

YOUNG.

On the part of the House

By Snelgrove, Graves, H. B. No. 1.
et al.

A BILL

To Be Entitled

An Act appropriating Two Million

Seven Hundred Fifty Thousand (\$2,750,000.00) Dollars per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting the public school interest of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations and limitations relative thereto; authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance by all rural schools which meet the requirements of this Act a term of a certain length; providing limited equipment for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a county-wide plan; providing for the use of an amount not to exceed a certain sum for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, Fortieth Legislature, Regular Session, as amended by the First Called Session of the Forty-first Legislature; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all monies granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act; declaring the rule in event any provision of the Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of promoting the public school interest of rural schools and equalizing the educational opportunities afforded by the State to all children of scholastic age living in small and financially weak school districts, there is hereby appropriated out of the General Revenue Two Million Seven Hundred Fifty Thousand (\$2,750,000.00) Dol-

lars, or so much thereof as may be necessary for the school year ending August 31, 1930, and Two Million Seven Hundred Fifty Thousand (\$2,750,000.00) Dollars or so much thereof as may be necessary, for the school year ending August 31, 1931, to be allotted and expended in accordance with the provisions of this Act.

Sec. 2. State Aid under the provisions of this Act may be distributed in such a way as to assist all schools of not more than three hundred scholastics located in districts of not more than four hundred scholastic census enrollment and consolidated districts which have an average of not more than two hundred scholastics for each original district composing the consolidated unit, to maintain the school solely out of State and County available funds for a term not to exceed six and one-half months; provided that in no event may a school receive more State Aid than is needed to maintain the contracted term, not to exceed nine months, as shown by the difference between all available funds and the total disbursements for maintenance purposes. The allotment of all State Aid shall be subject to the following conditions:

1. Each school receiving aid shall be provided with a suitable school house, erected in accordance with the Texas School House Building Law, or meeting substantially the requirements thereof, which shall be well located on a plot of ground not less than one acre in extent, properly drained.

2. Each school shall be provided with the necessary desks, seats and blackboards, with library, maps and charts, with such heating and ventilating equipment and such sanitary closets as are approved by the State Superintendent or his representatives.

3. Teachers employed in State Aid schools shall furnish to the State Superintendent satisfactory evidence of professional training and teaching ability.

4. No common or independent school district shall be eligible to receive aid unless it shall be providing for the annual support of its schools by voting and levying a local school tax of not less than seventy-five cents on the hundred dollars of property valuation, and provided, further

that the property valuation shall not be less than said property is valued for State and County purposes, and provided, further, that the above requirements of a maintenance tax levy shall not apply to districts maintaining a school for Indians.

5. Each school receiving State Aid under the provisions of this Act shall teach the common school subjects as prescribed by law, and shall follow the State course of study and shall be required to observe the school laws and rulings of the State Superintendent of Public Instruction, county board, and the State Board of Education.

6. Under the provisions of this Act no one-teacher school, with an enrollment of more than twenty pupils, shall be eligible to receive aid, if said school offers work above the seventh grade, as outlined by the State course of study.

Sec. 3. Schools of not more than three hundred (300) and not less than twenty (20) scholastics located in districts of not more than four hundred (400) scholastic census enrollment, and consolidated districts as provided in Section 2 of this Act, including transfers, complying with the foregoing conditions may send to the State Superintendent, on blanks provided by the State Department of Education, a list of teachers employed in the school showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of terms, and such other information as may be required. The State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of this fund as will, with its State and County available funds, maintain the school for a term not to exceed six and one-half months; provided that if the school has sufficient State and County available funds, with its local maintenance tax, to maintain the desired term, not to exceed seven months, as provided in Section 2, it shall not be eligible to receive State Aid.

It is hereby provided further that schools in sparsely settled counties, having less than fourteen hundred (1400) scholastic population in the common school districts, may be exempted from the minimum restriction of 20 scholastics, provided that

each district applying for aid votes and levies the limit of local support as provided in this bill.

Sec. 4. No part of the aid herein provided for shall be used for increasing the salary of any teacher except as may be provided in schedule of salaries fixed by the State Board of Education, but the funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries to be determined by the State Board of Education. Any district violating any of the provisions of this Act shall forfeit all rights to such aid and be disqualified to receive aid of any nature under any Section of this Act for the current year. Should any school, which would otherwise be eligible to receive aid, agree, provide or contract with teachers to pay a larger salary during the remainder of the term provided out of State funds than is to be paid during the remainder of the term out of local funds, then such school shall forfeit its right to receive aid.

Any county in this State that has a special equalization fund derived from State and County available funds, and which contributes to said fund for the benefit of its rural schools out of its own funds as much as \$40,000.00 per annum, shall receive from the appropriation herein provided Twenty Thousand (\$20,000.00) Dollars for each year of the biennium to supplement the equalization fund thereof for all purposes, provided no inspection shall be required.

Sec. 5. In deciding upon the amount of aid to be granted to districts under the provisions of this Act, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall allot the money herein appropriated to schools upon the following basis: One teacher for any number of scholastics from 21 to 35 inclusive; two teachers for any number of scholastics from 36 to 65 inclusive; three teachers for any number from 66 to 95 inclusive; four teachers for any number from 96 to 125 inclusive; five teachers for any number from 126 to 155 inclusive; and at the same rate for additional teachers. The basis for calculation shall be

the net scholastic enumeration of the districts for the current year, which must include all transfers into the district, and from which shall be deducted all transfers from the district, and all students who have completed the course of study authorized by the County Board of Trustees for the school in such districts, provided that in unusual or extraordinary conditions of actual enrollment an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

Sec. 6. In case of extraordinary and unusual conditions where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of a rural school from State Aid funds for a period of not exceeding seven months, even though the school district be unable to comply with the foregoing conditions; provided, however, that the amount of the tax herein provided for must be levied and collected by said school districts, and this requirement cannot be waived by the State Board of Education; and provided, further, that the amount granted in such case shall not exceed \$300.00.

Sec. 7. State Aid to the amount of not more than \$300.00 to any one school employing three or more teachers which will provide equipment for proper instructions and demonstrations in mechanics and carpentry, gardening and agriculture, home economics and sanitation, sewing, cooking and canning, according to plans furnished and approved by the State Department of Education, may be granted from the appropriation authorized by this Act. Each such school in which such equipment has been placed by previous appropriations may receive \$100.00 for each year of this appropriation, provided the teacher employed is approved by the State Superintendent as competent for such instruction and a term report on the work done is made by the teacher in charge. It is expressly provided that the school district which applies for special aid under this Section must be complying with the foregoing conditions as stated in Section 3 of this Act, equipment furnished under provisions of this Act shall remain the property of the State.

Sec. 8. It is hereby further provided that in consolidated districts legally formed, or to be formed, with buildings and equipment approved by the State Superintendent of Public Instruction, with the approval of the State Board of Education, and employing not less than three teachers, including the principal doing high school work exclusively, or such number of teachers as in the judgment of the State Superintendent of Public Instruction is needed and necessary, it may be granted out of the yearly appropriations of this Act the sum of Five Hundred (\$500.00) Dollars for each entire school district included in said consolidation; provided such rural high school district is one unit in a county-wide system of such high school district mapped and planned for the entire county that has been approved by the State Superintendent of Public Instruction; provided also that nothing herein shall prohibit any one such unit from receiving such aid on account of any other units in said county failing to comply with this Act or to put into effect the plans of the County Board of Education in mapping out said county. If in any high school district proposed by the County Board of Trustees, as shown by the approved county map, a fewer number of districts are consolidated than that proposed by the County Board a Bonus of \$300.00 shall be paid for each such district, and when consolidation is fully completed as proposed by the County Board of Trustees then the high school district shall receive from the appropriation provided for in this Act such an additional amount as may be necessary to complete the total bonus of \$500.00 for each district forming the high school unit; provided that any building constructed from the proceeds of bonds voted to accommodate the incomplete unit shall be located at the high school unit; provided that any building constructed from the proceeds of bonds voted to accommodate the incomplete unit shall be located at the high school center previously designated by the County Board for the entire unit; provided that if any districts during the current year have received State Aid under the provision of this Act they shall not be counted in determining the amount of bonus for this year.

Sec. 9. Consolidated districts, formed in accordance with Section 8 of this Act, and all consolidations, formed subsequent to September 1, 1922, and prior to September 1, 1929, which make provision for transportation of pupils to and from said schools at public expense, may be granted from this appropriation, in addition to the amount provided in Section 8, a sum equal to one-half of the cost of transportation, not to exceed \$300.00 for each automobile truck required, provided contracts for such transportation have been approved by the State Superintendent.

Sec. 9A. On the agreement of the board of trustees of the districts concerned and subject to the approval of the county superintendent and State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient State classified or accredited school, and in such event all of the funds of the district, including the State Aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out the said agreement; provided that the scholastics so transferred shall be entitled, without the payment of other tuition, to the entire term maintained by the receiving district; and provided also that if any of the scholastic residents of the district are not so transferred sufficient funds must be retained to provide them with school facilities for at least six months. And provided further that if the districts consolidate during the year the consolidated district shall be entitled to consolidation aid as otherwise provided in this Act.

Sec. 10. It is hereby expressly provided that an amount not to exceed Four Hundred Thousand (\$400,000.00), or so much thereof as may be necessary, of the appropriation made herein may be used each year of the biennium for the payment of tuition of rural high school pupils according to the provisions of Chapter 181 of the General Laws of the Fortieth Legislature, Regular Session, as amended by S. B. No. 10 passed at the First

Called Session of the Forty-first Legislature.

Sec. 11. In all districts that comply with the foregoing provisions of this Act and in addition thereto levy and collect a tax of One Dollar on the One Hundred Dollars, and after provision is made for a term of six and one-half months on the ratio of the number of teachers provided for herein and on the basis of the salary schedule fixed by the State Board of Education, the proceeds of the local maintenance tax may be supplemented with a sufficient amount from the appropriation provided herein to guarantee the following amounts, or so much thereof as may be necessary, to pay the salaries of teachers according to the salary schedule for a term not to exceed nine months, as may be desired by the board of trustees; one teacher, \$125.00; two teachers, \$250.00; three teachers, \$375.00; four teachers, \$475.00; five teachers, \$550.00; six teachers, \$600.00; seven teachers, \$650.00; eight teachers, \$675.00; nine teachers, \$700.00; ten teachers, \$725.00; provided that such supplemental grants shall not increase the total grant for teachers' salaries from this appropriation to more than \$1,000.00, as provided in Section 13 of this Act; except schools of more than five teachers may receive not to exceed (\$1,500.00) One Thousand Five Hundred Dollars.

Sec. 12. For the year 1930-31, the second year of the biennium 1929-1930, no aid shall be granted to any school under the provisions of this Act which is located within two and one-half miles of another school of the same race unless, on account of the condition of the roads and other physical features, it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidation formed under this or any subsequent Act.

Sec. 13. It shall be the duty of the State Superintendent of Public Instruction, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act, as may be necessary to carry out the provisions and intentions of this Act and for the best interests of the schools for whose benefit the funds are appropriated. It shall be the

duty of the State Superintendent to send one of the rural school supervisors, hereby authorized, to make thorough investigation in person of the grounds, buildings, equipment, teaching force and financial condition of each school applying for aid; and no aid shall be granted unless it can be shown that all provisions of this Act and regulations made by the State Superintendent have been complied with, and that such amount of aid is actually needed.

Sec. 14. Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which State Aid is granted in the same manner as warrants for State apportionments are now transmitted, and it shall be the duty of all treasurers of depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

Sec. 15. Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and County available school funds, and in all other school funds in the same manner, as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any State Aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State.

Sec. 16. Any school district which has a taxable valuation for school purposes of less than \$1,000.00 and which levies and collects a local tax of One Dollar on the One Hundred Dollars valuation of property and which is maintaining a high school of more than fifty pupils shall receive from the appropriation herein made an additional amount for each resident high school pupil equal to the State per capita apportionment for the current scholastic year; provided that school districts which have high schools of fewer than fifty resident students classified above the seventh grade and which are located more than ten miles from a fully accredited high school or from a high school offering the same grades shall

be eligible to receive this additional aid; provided further that high school aid authorized in this Section shall apply to those districts only that are disqualified to receive aid under the provisions of this Act.

Sec. 17. All laws or parts of laws in conflict herewith are hereby repealed. In the event any provision of this Act is unconstitutional or invalid the remainder of this Act shall nevertheless remain in effect.

Sec. 18. The fact that many schools in rural districts are in need of aid, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—30.

Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Beck.

Motion to Concur.

Senator Witt moved to concur in the House amendment to S. B. No. 111. The motion prevailed by the following vote:

Yeas—30.

Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.
Greer.	Martin.

McFarlane.	Small.
Miller.	Stevenson.
Moore.	Thomason.
Neal.	Westbrook.
Parr.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Russek.	Woodward.

Absent—Excused.

Beck.

S. C. R. No. 15.

The Chair laid before the Senate the following resolution:

S. C. R. No. 15, Relating to the appointment of a committee to confer with a like committee from New Mexico concerning the property rights of certain individuals.

The Committee report was adopted.

The resolution was read second time and adopted.

Senate Bill No. 175.

Senator Small received unanimous consent to take up the following bill:

By Senator Small:

S. B. No. 175, A bill to be entitled "An Act to provide for the extension of the term of oil and gas leases No. 9716 covering survey No. 8, No. 9717 covering survey No. 17, No. 9726, covering survey No. 29, No. 9718, covering survey No. 20, in so far as said lease shall apply to and affect the east half of said survey; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 175 was put on its third reading and final passage, by the following vote:

Yeas—30.

Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Beck.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Beck.

Senate Bill No. 169.

Senator Woodul received unanimous consent to take up the following bill:

By Senator Woodul:

S. B. No. 169, A bill to be entitled "An Act to amend Article 7298, Revised Statutes of 1925, and to prevent delinquent tax payers from pleading statute of limitation by way of defense against the payment of any taxes due from him or her either to the State, County, City, etc., and declaring an emergency."

The bill was read second time.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 169 by striking out independent and common school districts and road districts.

WIRTZ.

The amendment was read.

Senator Woodul moved to table the amendment.

On motion of Senator Woodul the bill was laid on the table subject to call.

Senate Bill No. 67.

The Chair laid before the Senate as pending special order the following bill:

By Senator Parrish:

S. B. No. 67, A bill to be entitled "An Act providing a maximum

amount of compensation, salary, fees and commissions which officers mentioned in any article of Chapter 1, of Title 61, of the Revised Statutes, 1925, may retain; etc., and declaring an emergency."

The pending motion to substitute the minority for the majority report prevailed.

The substitute bill was substituted for the original bill.

Simple Resolution No. 23.

Senator Neal sent up the following resolution:

Resolved that Judge A. J. Booty of Tyler, one-time member of the Legislature, be invited to address the Senate.

NEAL,
POLLARD.

The resolution was read and adopted.

The Chair appointed Senators Neal, Pollard, and Westbrook to escort Judge Booty to the platform.

Judge Booty Speaks.

Senator Neal introduced Judge Booty, who briefly addressed the Senate.

Recess.

Senator Russek, moved to recess until 2:30 o'clock p. m.

Senator Wirtz moved to recess until 3:00 o'clock p. m.

The motion prevailed and at 12:05 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 3:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

At Ease.

On motion of Senator McFarlane, the Senate stood at ease 15 minutes to allow the Committee on State Affairs to continue a hearing.

On motion of Senator Russek, the time was extended 15 minutes.

Free Conference Committee Report.

Senator DeBerry sent up the following Free Conference Committee report:

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate of Texas, and

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, on

S. B. No. 49, A bill to be entitled "An Act providing for the Board of Prison Commissioners to make recommendations to the Legislature of this State regarding the possible concentration and relocation of the prison system of Texas, and defining the personnel, powers, and duties of said Prison Commissioners, and providing for the publication of the findings and recommendations of said Prison Commissioners and appropriating the sum of Twenty-five Thousand Dollars for the expenses of said Prison Commissioners and for the expenses and compensation of its employees; and declaring an emergency.

Have had the same under consideration and beg leave to report same back to the Legislature with the following amendments to S. B. No. 49, as amended by the House:

Section 3, of said Bill, is amended to hereafter read as follows:

Sec. 3. That it is the intention of this Act that the Commission ascertain,

First, the type of prison system best suited to the requirements of this State and the equipment and facilities therefor, and in the event the Commission, after making a careful survey of present-owned properties, find that it is impracticable to locate a new centralized Penitentiary System on any of said lands, then, in that event, the Commission shall be authorized to make a survey of any other land in the State and shall then recommend to the Legislature the most feasible and advantageous location or locations for such system, and that the report of said Commission shall further contain all other information, findings and recommendations relative to the Prison System which said Commission shall deem of value to the Legislature.

Section 5 of said Bill is amended to hereafter read as follows:

Section 5. That said Commission shall first carefully consider the feasibility and advisability of concentrating the Prison System of this State upon lands now owned by this State and used in the operation of the present Penitentiary System; but if after such consideration it is deemed that it will be for the best

interest of the State to select a site elsewhere in the State, the Prison Commissioners will make its report and recommendations accordingly. That said Commission shall supply accurate data as to each tract of land so owned being considered as a possible site for the Prison System, including the cost of any and all reclamation, drainage, terracing and other operation necessary in order to render said tracts of land available for the establishment thereon of the Prison System contemplated herein. That included in such data there shall be information as to railroad and transportation facilities and rates, and of conditions affecting sanitation and health of those living thereon. If the Prison Commissioners recommend a site elsewhere, the same information is desired for the purpose of comparison.

Section 7, of said Bill, is amended to hereafter read as follows:

Section 7. That said Commission shall proceed to carry out its duties of investigation and relocation with all practicable speed and shall compile its complete report for submission to the Forty-second Legislature or any special session convened prior to that time, and that said report shall be completed, printed and available not later than December 1st, 1929. That of this report as many copies shall be printed as the Commission may deem advisable provided that at least one complete copy shall be furnished to each member of the Legislature, and that said report as furnished to the members of the Legislature shall contain such statements, maps, plats, drawings and other data as may be deemed of value to the Legislature in judging the proposals and recommendations of said Commission.

And your Committee recommends that said S. B. No. 49, with the above amendments, be adopted.

DeBERRY,
HOLBROOK,
CUNNINGHAM,
BERKELEY,
McFARLANE,

On the part of the Senate.

GRAVES,
GILBERT,
STEVENSON,
KING,
LOY,

On the part of the House.

The report was read and adopted by the following vote:

Yeas—26.

Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Cousins.	Wirtz.
Russek.	Witt.
Small.	

Absent—Excused.

Beck.

Senate Bill No. 67.

The question recurred upon the adoption of the Committee Amendment to C. S. S. B. No. 67. —

At Ease.

On motion of Senator Moore, the Senate stood at ease while Mrs. Negley and Mr. Anderson, of the House of Representatives, distributed ice cream to the members and employees of the Senate.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, June 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 79, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualifications, terms of service and duties; authorizing said Board to assume and discharge the duties assigned by law to the present State Board of Education; abolishing the State Text

Book Commission; providing for an appropriation to pay the expenses of said Board; repealing all laws in conflict with this act, and declaring an emergency."

H. B. No. 126, A bill to be entitled "An Act making an emergency appropriation of four hundred fifty thousand dollars or as much as thereof as may be necessary out of the general revenue of the State of Texas for supplementing the appropriation made for rural aid and the payment of high school tuition under the provisions of Chapter 36, General and Special Laws of the Fortieth Legislature for the year ending August 31, 1929, and declaring an emergency."

H. B. No. 157, A bill to be entitled "An Act requiring drivers of trucks, automobiles and other vehicles to have and exhibit to peace officers upon demand written permit covering movements of livestock and domestic fowls contained therein, or to make written statement in the absence of said permit, and providing penalties for failing to exhibit the same or to make said statement or having false or forged permit, and declaring an emergency."

H. B. No. 167, A bill to be entitled "An Act amending Session Acts of the Forty-first Legislature, Chapter 314, the same being the regulation of motor carriers transporting property over public highways, so as to provide for cancellation of insurance policies on property insured under said act, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 171, A bill to be entitled "An Act to amend Section 1 of H. B. No. 196, passed at the First Called Session of the Forty-first Legislature, amending Article 1377 of the Penal Code of the State of Texas, providing for a more efficient law prohibiting hunting, fishing or camping on the enclosed land of another without the consent of the owner; providing that this Act shall

not apply to any enclosed lands which are leased or rented for hunting or camping privileges for a greater sum than 25 cents per acre per annum or where the owner, his agent or representative has charged more than \$4 per day per person for the privilege of hunting thereon; providing for a penalty for the violation thereof; and providing for the arrest of such persons; repealing Article 1378 of the Penal Code of the State of Texas, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Simple Resolution No. 24.

Senator Hyer sent up the following resolution:

Whereas, Dr. Frank P. Culver, one of the foremost Methodist leaders in Texas, is now within the Bar of the Senate, be it

Resolved, That he be invited to address the Senate.

HYER,
WITT,
HARDIN,
LOVE.

The resolution was read and adopted.

The Chair appointed Senators Hyer, Love, Witt and Hardin to escort Rev. Culver to the platform.

Rev. Culver Speaks.

Senator Hyer introduced Rev. Culver, who briefly addressed the Senate.

House Bills Referred.

H. B. No. 167 referred to Committee on State Highways and Motor Traffic.

H. B. No. 157 referred to Committee on Stock and Stock Raising.

H. B. No. 126 referred to Committee on Finance.

H. B. No. 79 referred to Committee on Educational Affairs.

H. B. No. 171 referred to Committee on State Affairs.

Senate Bill No. 67.

The question recurred upon S. B. No. 67.

Senator McFarlane moved the previous question on the amendment. The motion prevailed.

The committee amendment to the substitute bill was adopted by the following vote:

Yeas—13.

Hardin.	Westbrook.
Hyer.	Williamson.
Moore.	Wirtz.
Parr.	Witt.
Russek.	Woodul.
Stevenson.	Woodward.
Thomason.	

Nays—13.

Berkeley.	McFarlane.
DeBerry.	Miller.
Gainer.	Neal.
Greer.	Parrish.
Holbrook.	Pollard.
Hornsby.	Small.
Love.	

Absent.

Martin.	Patton.
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Absent—Excused.

Beck.

(Pairs Recorded.)

Senator Cunningham (present), who would vote nay with Senator Cousins (absent), who would vote yea.

The Chair voted yea.

Senator Williamson sent up the following amendment:

Amend C. S. S. B. No. 67 by adding at the end of Section 1 the following:

Provided further that the provisions of this bill shall not affect fees accruing from tax suits filed prior to the time this bill goes into effect.

WILLIAMSON.

Read and adopted.

Senator Woodward moved to reconsider the vote by which the committee amendment was adopted.

Senator Woodul moved to table the motion. The motion to table prevailed by the following vote:

Yeas—13.

Cousins.	Stevenson.
Hardin.	Thomason.
Hyer.	Westbrook.
Moore.	Williamson.
Neal.	Wirtz.
Parr.	Woodul.
Russek.	

Nays—13.

Berkeley.	Love.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Parrish.
Greer.	Small.
Holbrook.	Woodward.
Hornsby.	

Absent.

Martin.	Pollard.
Patton.	Witt.

Absent—Excused.

Beck.

The Chair voted yea.

Senator Love sent up the following amendment:

Amend C. S. S. B. No. 67, page 5, line 24, after the words "tax suits," by inserting the following:

"or the registration of automobiles or any other service connected with the duties of any such officer,"

LOVE.

Read and adopted.

Senator Wirtz sent up the following amendment:

Amend C. S. S. B. No. 67 by adding at the end of Section 1, the following:

"Provided that the maximum fees which may be retained by any such officers in counties having a population of less than 100,000 shall be as follows:

25,000 or less	\$4,000.00
Not over 50,000 and over	
25,000	\$6,000.00
Not over 75,000 and over	
50,000	\$10,000.00

WIRTZ.

The amendment was read.

Senator Russek moved to recess until 10:00 o'clock tomorrow morning.

Senator Williamson moved to recess until 8:00 o'clock tonight and take up only local and uncontested bills.

The motion to recess until 10:00 o'clock tomorrow morning was lost by the following vote:

Yeas—12.

Cousins.	Russek.
Hardin.	Stevenson.
Hyer.	Westbrook.
Moore.	Wirtz.
Parr.	Witt.
Pollard.	Woodul.

Nays—16.

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Love.	Woodward.

Absent.

Martin.	Patton.
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Absent—Excused.

Beck.

The motion to recess until 8:00 o'clock tonight was lost by the following vote:

Yeas—7.

Berkeley.	Stevenson.
Cousins.	Williamson.
Parr.	Wirtz.
Small.	

Nays—21.

Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Martin.	Patton.
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Absent—Excused.

Beck.

Senator Witt moved the previous question on the amendment and the bill. The motion failed to receive the proper seconding.

Senator Small sent up the following amendment to the amendment:

Amend the pending amendment by adding the following:

And in all counties over 75,000 the sum of \$10,500.00.

SMALL.

The amendment was read.

Senator Williamson raised the point of order that the motion to reconsider the vote by which the

\$15,000 amendment was adopted was tabled and therefore this amendment was out of order.

Senator McFarlane raised the counter-point of order that this amendment provided a different amount from that of the \$15,000 amendment and therefore was in order.

The Chair overruled the point of order.

Senator Russek moved to recess until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—13.

Cousins.	Stevenson.
Hardin.	Thomason.
Hyer.	Westbrook.
Moore.	Wirtz.
Parr.	Witt.
Pollard.	Woodul.
Russek.	

Nays—15.

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Small.
Holbrook.	Williamson.
Hornsby.	Woodward.
Love.	

Absent.

Martin.	Patton.
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Absent—Excused.

Beck.

Senator Woodul moved to indefinitely postpone the further consideration of the bill.

Recess.

Senator Russek moved to recess until 10:00 o'clock tomorrow morning. The motion prevailed by the following vote:

Yeas—15.

Cousins.	Stevenson.
Hardin.	Thomason.
Hyer.	Westbrook.
Moore.	Williamson.
Parr.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Russek.	

Nays—14.

Berkeley.	Love.
Cunningham.	Neal.
DeBerry.	McFarlane.
Gainer.	Miller.
Greer.	Parrish.
Holbrook.	Small.
Hornsby.	Woodward.

Absent.

Martin.

Absent—Excused.

Beck.

At 5:50 o'clock p. m., the Senate recessed.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 133 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 95 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 127 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, president of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 123 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 135 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 175 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 111 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:36 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 154 carefully examined and compared, and have this day at 11 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

(Majority Report.)

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 63, A bill to be entitled "An Act prohibiting the giving of free transportation by those passengers for hire in motor vehicles operating between cities, towns and villages; etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, June 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your minority of your Committee on State Highway and Motor Traffic, to whom was referred

S. B. No. 63, A bill to be entitled "An Act amending the anti-pass law so as to make its provisions applicable to any person, firm or corporation engaged in transporting passengers for hire over the public highways between cities, towns, or villages; and declaring an emergency."

Have had the same under consideration, and beg leave to differ with the majority of said Committee and we hereby recommend to the Senate that the minority Committee substitute for Senate Bill No. 63 be adopted in lieu of Senate Bill No. 63 and recommend the passage of same.

SMALL,
DeBERRY,
PARR,
McFARLANE.

Committee Room,
Austin, Texas, June 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 166, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 168, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in each county in Texas having a population of not less than 35,300 nor more than 35,500 according to the Federal Census of 1920; providing for office expenses in such counties; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 167, A bill to be entitled "An Act relating to the duties of the county board of education and the county superintendent of counties with an area of nine hundred and fifty-two square miles and a population of not less than 35,300 nor more than 35,500 according to the Federal Census of 1920; providing for method of election of the county board of education; authorizing the nomination of the teachers of the common school districts subject to the confirmation of the local trustees; authorizing the county superintendent to make all purchases for supplies when the consideration is more than \$25.00; repealing all laws or parts of laws, General or Special, in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 184, A bill to be entitled "An Act leasing to certain persons as trustees for Bee County American Legion Post No. 274, a tract of land for park purposes; providing for the consideration of said lease, and for the establishment and maintenance of said park and the time and manner in which said park may be taken over by the State; providing for the execution of said lease; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 185, A bill to be entitled "An Act to amend Article 2463 and 2465 of Subdivision 1 of Title 46 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Chapter 17 of the General Laws passed at the Regular Session of the Forty-first Legislature, and also amending Article 2484 of Subdivision 1 of Title 46, Revised Civil Statutes of the State of Texas, 1925, relating to credit unions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RUSSEK, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 79, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualifications, terms of service and duties; authorizing said Board to assume and discharge the duties assigned by law to the present State Board of Education; abolishing the State Text-book Commission, providing for an appropriation to pay the expenses of said Board; repealing all laws in

conflict with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, as S. B. No. 87, being the same bill, has been printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 157, A bill to be entitled "An Act requiring drivers of trucks, automobiles and other vehicles to have and exhibit to peace officers upon demand written permit covering movements of livestock and domestic fowls contained therein, or to make written statement in the absence of said permit, and providing penalties for failing to exhibit the same or to make said statement or having false or forged permit; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARR, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 183, A bill to be entitled "An Act to amend Subdivisions 58 and 60 of Article 199 of Title 8 of the Revised Civil Statutes of the State of Texas, which subdivisions relate to the district courts of the Fifty-eighth and Sixtieth Judicial Districts of Texas, and fixing the number of terms and the time for holding said courts, and prescribing the jurisdiction and providing for the administration of the business of said courts including the method of filing, docketing and transferring cases and prescribing certain duties of the district clerk and the method of filling vacancies in the office of the district clerk; and to conform all writs and process from such courts to such changes and to make all writs and process issued or served

before this Act takes effect, including recognizances and bonds returnable to the terms of said courts as herein fixed, and to validate the summoning of all petit juries; and providing for the continuation of said courts in session when this Act takes effect to the end of the term, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 163, A bill to be entitled "An Act providing for the open season on squirrels in certain counties; providing penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendment and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman,

Committee Amendment.

Amend House Bill No. 163 by striking out the period at the end of Section one after the word "Polk" and adding thereto the following: "Trinity, Houston, Madison, Leon, San Jacinto, Montgomery and Walker."

Engrossed Rider.

Amend H. B. No. 163 by striking out the word "Smith" wherever it appears.

JOHNSON.

June 24, 1929, Adopted.

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

By Sanders. H. B. No. 163.

A BILL

To Be Entitled

An Act providing for the open season on squirrels in certain counties; providing penalty; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any one to hunt, take or kill any squirrel, except during the months of November, December and January of any year, in the following counties: Panola, Rusk, Angelina, Tyler, Sabine, San Augustine, Nacogdoches, Jasper, Newton, Cherokee, Jefferson, Orange, Hardin, Liberty, Shelby, San Patricio, Chambers, Smith and Polk.

Sec. 2. Any one who shall hunt, take or kill any squirrel in the counties named in this Act at any time except during the months of November, December and January shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars and his hunting license shall be automatically cancelled and he shall not be entitled to receive another such license for a period of one year from the date of his conviction. Provided that each squirrel taken or killed in violation of this Act shall constitute a separate offense.

Sec. 3. The fact that the present law on squirrels does not give adequate protection to the counties named herein and public sentiment in these counties demands that the present open season on squirrels be shortened creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, June 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 126, A bill to be entitled "An Act making an emergency appropriation of Four Hundred Fifty Thousand Dollars or as much thereof as may be necessary out of the General Revenue of the State of Texas for supplementing the appropriation made for Rural Aid and the payment of high school tuition under the provisions of Chapter 36, General and Special Laws of the 40th Legislature for the year ending Au-

gust 31, 1929; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

POLLARD, Chairman.

By Wallace et-al. H. B. No. 126.

A BILL

To Be Entitled

An Act making an emergency appropriation of Four Hundred Fifty Thousand Dollars or as much thereof as may be necessary out of the General Revenue of the State of Texas for supplementing the appropriation made for Rural Aid and the payment of high school tuition under the provisions of Chapter 36, General and Special Laws of the 40th Legislature for the year ending August 31, 1929; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The sum of Four Hundred and Fifty Thousand Dollars or as much thereof as may be necessary is hereby appropriated out of any money in the State Treasury not otherwise appropriated to supplement the appropriation made for Rural Aid and the payment of high school tuition under the provisions of Chapter 36, General and Special Laws of the 40th Legislature, for the year ending August 31, 1929, as approved by the State Board of Education and said appropriation shall become immediately available.

Sec. 2. The fact that the appropriation for this purpose is exhausted or will become exhausted before the expiration of the time for which the same was appropriated, creates an emergency and an imperative public necessity, which justifies the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 181, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and Department of State Government as named herein for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

POLLARD, Chairman.

By Pollard.

S. B. No. 181.

A BILL

To Be Entitled

An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and Departments of State Government as named herein for the balance of the fiscal year ending August 31, 1929, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money be, and the same are, hereby appropriated out of any money in the State Treasury not otherwise appropriated, to cover emergency appropriations for the several institutions and Departments of the State Government named herein, for the balance of the fiscal year ending August 31, 1929, which appropriations shall be immediately available, and shall be for the emergencies hereinafter stated.

Department of State.

Publication of House

Joint Resolution No. 6 \$ 5,000.00

General Land Office

One Monroe Calculator

Complete with stand 425.00

For repairs of Calculator

now in use 50.00

Total \$ 475.00

Texas Prison Board.

Harlem State Farm.

To re-build cotton-seed

house completely de-

stroyed by storm, es-

timated damage \$ 4,000.00

To re-build mule and

corn barn completely destroyed by storm, estimated damage _____	6,000.00
To replace nine mules killed in storm, @\$75.00 each _____	675.00
Imperial State Farm.	
To re-build mule and feed barn struck by lightning and burned to ground _____	6,000.00
Ramsey State Farm.	
To re-build corn barn destroyed by fire _____	20,000.00
To purchase 30,000 bushels of corn at \$1.00 per bushel destroyed by fire _____	30,000.00
Flood Damage.	
To purchase seed for replanting crops _____	5,000.00
Total _____	\$ 61,675.00

College of Industrial Arts.
Denton, Texas,

To pay salaries of teachers for 1928 and 1929 \$ _____	7,125.00
To pay deficiency certificate No. 11114 _____	2,145.79
To pay deficiency certificate No. 11115 _____	3,854.21
Total _____	\$ 13,125.00

Stephen F. Austin State Teachers College.
Nacogdoches, Texas.

To pay for fuel and plumbing _____	\$ 3,000.00
To pay for roof on main building _____	2,500.00
Total _____	\$ 5,500.00

Sam Houston State Teachers College,
Huntsville, Texas.

To pay for fuel, light and power _____	\$ 3,400.00
For replacing cafeteria equipment destroyed by fire _____	4,200.00
To replace worn-out boiler tubes at heating plant _____	950.00
To complete unfinished work for preservation of General Houston's home and grounds _____	8,000.00
Total _____	\$ 16,550.00

John Tarleton Agricultural College,
Stephenville, Texas.

To pay for heat, light, power, water, sewerage _____	\$ 7,000.00
General repairs _____	15,000.00
Departmental maintenance _____	5,000.00
Salaries of teachers for the years 1928 and 1929 _____	5,000.00
Printing _____	3,000.00
Total _____	\$ 35,000.00

Southwest Texas State Teachers College,
San Marcos, Texas.

To pay for fuel, water, light, heat and power _____	\$ 2,880.00
For replacement of defective electric service line _____	1,161.00
Riverside repairs and improvements _____	700.00
Total _____	\$ 4,741.00

Sul Ross State Teachers College, Alpine, Texas.	
For installing heating plant at President's residence _____	\$ 1,200.00
Total _____	\$ 1,200.00

Texas Technological College,
Lubbock, Texas.

To pay janitors' salaries for the years 1928 and 1929 _____	\$ 4,400.00
General maintenance for the years 1928 and 1929 _____	20,000.00
Teachers salaries for the years 1928 and 1929 _____	21,000.00
Total _____	\$ 45,400.00

West Texas State Teachers College,
Canyon, Texas.

To pay for fuel, light, heat and power, 1928 and 1929 _____	\$ 6,000.00
To pay for repairing roof on Randall Hall _____	1,800.36
To pay for repairing boiler _____	412.50
To pay for installing new water heater _____	115.00
Total _____	\$ 8,227.86
Grand Total _____	\$196,595.86

Sec. 2. The fact that the appropriations for the above items are exhausted or will become exhausted before the expiration of the time for which the same was appropriated, creates an emergency and an imperative public necessity, which justifies the suspension of the constitutional rule requiring bills to be read upon three several days in each House, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 6, A bill to be entitled "An Act amending Chapter 93, Acts of the Regular Session of the Fortieth Legislature, Article 7065, Revised Civil Statutes of 1925, which Chapter and Article provide for an occupation tax upon wholesale dealers in gasoline, and which amendment to said Chapter and Article provides for increasing the tax from two (2) cents per gallon on all gasoline sold as defined in this Act by wholesale dealers in gasoline to four (4) cents a gallon and provided for the collection of a like tax of four (4) cents a gallon on all gasoline used in this State as such use is defined by the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass but that the substitute bill, hereto attached, do pass in lieu thereof, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

C. S. H. B. No. 6.

A BILL

To Be Entitled

An Act amending Chapter 93, Acts of the Regular Session, Fortieth Legislature, Article 7065, Revised Civil Statutes of 1925; which Article imposes an occupation tax upon wholesale dealers in gasoline; amending said article so as to provide for an increase of tax from two cents to three cents per gallon on all gasoline sold by distributors; defining sale as includ-

ing the use of gasoline; providing certain exceptions and exemptions; requiring distributors to file applications, obtain permits and make reports of gasoline sold or used; providing for the suspension, revocation and renewal of certain permits; creating liens for delinquent taxes; requiring records to be kept and examination thereof to be made; providing penalties and interest for delinquent taxes, and for the collection of same; providing for the appropriation and use of said fund; providing, defining and declaring certain offenses for the violation of the provisions hereof, and prescribing penalties, fines and punishment therefor; authorizing the Comptroller to make certain rules and regulations for the enforcement hereof; providing for the administration and enforcement of this Act; providing that no liabilities heretofore accruing under Article 7065 shall be released or affected; providing the manner of taking effect; and providing a saving clause and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 93, Acts of the Regular Session of the Fortieth Legislature, Article 7065, Revised Civil Statutes, 1925, be and the same is hereby amended so as to read hereafter as follows:

Article 7065 (7377) Tax on Gasoline.—Every person selling at wholesale in intrastate commerce in this State any gasoline shall pay to the State of Texas an occupation tax equal to three (3) cents per gallon, or fractional part thereof, so sold by such person. Such tax shall be due and payable at the office of the Comptroller at Austin on the 25th day of each month, based on such sales made during the calendar month next preceding. Every such person so selling gasoline shall on or before the 25th day of each month make and deliver to the Comptroller a report sworn to as correct by such person before an officer authorized to administer oaths in this State (or, if other than an individual, so sworn to by its president, secretary, treasurer, or other duly authorized officer, or by its representative in charge of such intrastate sales of such gasoline), on such

form as said Comptroller shall prescribe of the total number of gallons of gasoline sold at wholesale in intrastate commerce in this State by such person during the next preceding calendar month. The term "selling at wholesale" or "sold at wholesale" or "sales at wholesale" as used in this law shall include:

1. Any and all sales of gasoline in any quantity whatsoever in intrastate commerce in this State to the retailer to be sold by such retailer to the consumer in any quantity whatsoever.

2. Any and all sales to consumer in intrastate commerce in this State of gasoline refined, compounded, manufactured, blended or prepared in this State where such sales are made by the person so refining, compounding, manufacturing, blending or preparing same whether such sales are made in such person's own name or in the name of another or in the name of a representative, agent or employee of such person.

3. Any and all sales in any quantity whatsoever to the consumer in intrastate commerce in this State of gasoline brought into the State from outside the State, except that gasoline which is sold in intrastate commerce to the retailer for sale to the consumer, the selling of which latter mentioned is covered by subdivision 1 hereof.

Failure of the Comptroller to furnish any person affected by this law with a form for any report required to be made by such person shall not relieve such person of liability for penalties for failure to comply with this law as to any such report. Every person required to pay said tax shall keep a complete record of all sales at wholesale made upon which the occupation tax herein levied is measured or computed, which record shall show the date of each such sale; the amount of same; to whom (except as to sales to the consumer) each such sale was made; from what place such gasoline was shipped and the name of the place of delivery of same. All of which records shall be open at all times to official inspection and examination of the Comptroller, or of the Attorney General, or any authorized employee or representative of such Comptroller or Attorney General. Any such person failing to keep such record or records as herein required shall forfeit

to the State as a penalty an amount not exceeding One Thousand (\$1,000.00) Dollars; and for each day such person so fails to keep such record or records, a separate penalty shall accrue. Any person required to pay an occupation tax by this law failing to pay such tax on or before the date same is due and payable, shall pay to the State as a penalty an additional ten per cent of the amount of the tax due on said date and such tax and penalty shall draw interest at the rate of eight per cent per annum from due date until paid.

Any person required to make any report under this law failing to make the same in the manner or within the time prescribed by this law shall forfeit to the State a penalty of not to exceed One Thousand (\$1,000.00) Dollars. Such penalty shall draw eight per cent interest from due date until paid. The occupation taxes herein levied shall be placed in the State Treasury by the Comptroller as provided in this Law immediately upon the collection of same. One-fourth of such occupation tax shall go to the available free school fund and three-fourths of same shall be placed to the credit of the State Highway Fund for the construction and maintenance of the public highways of the State constituting a part of the State system of public highways as designated by the State Highway Commission, and said funds shall be set aside in a separate fund from the general revenue fund for the two purposes herein mentioned, and shall be subject to disbursement in accordance with the Statute controlling the distribution of such available school fund and the State Highway Fund, respectively. The Attorney General shall bring suit in behalf of the State in any court of competent jurisdiction in Travis County to recover the amount of taxes, penalties and interest past due and payable by any person affected by this Law. The word "gasoline" as used in this law includes gasoline or gasoline substitute, refined, compounded, manufactured, blended or prepared in whole or in part from any derivative fraction or product of petroleum or natured gas; and shall also include what is commercially known as gasoline so refined, compounded, manufactured, blended or prepared, and shall include all fuels ordinarily, practically and com-

mercially usable and combustible in internal combustion engines for the generation of power in propelling motor vehicles upon and over the highways of this State, howsoever and from whatsoever refined or blended. The word "person" as used in this Law shall include persons, firms, partnerships, companies, corporations, associations, receivers common law trusts, those operating under a declaration of trust, or other concern by whatsoever name known or howsoever organized, formed or created. It is the purpose and intent of this Law to levy an occupation tax that will not operate to burden the industry with the tax every time any particular gasoline is sold, but to place the tax on only one transaction as to any particular gasoline, to the end that the tax will bear equally and uniformly on the gasoline industry. (Acts 3rd C. S. 1923, P. 158.)

Article 7065-A: "Selling at wholesale," "sold at wholesale," or "sales at wholesale," as used in this Law, shall also include the use of gasoline in intrastate commerce in this State, upon which gasoline no tax has been paid, accrued or required to be paid upon the sale of the same in Sections 1, 2 or 3 of Article 7065, supra; and "distributor" as defined herein, shall mean every person who sells or uses gasoline in intrastate commerce in this State upon which a tax is required to be paid under the provisions hereof, and shall include the following persons:

1. Every person who makes any sale of gasoline in any quantity whatsoever in intrastate commerce in this State to the retailer to be sold by such retailer to the consumer in any quantity whatsoever.

2. Every person who makes any sale to a consumer in intrastate commerce in this State of gasoline refined, compounded, manufactured, blended or prepared in this State where such sales are made by the person so refining, compounding, manufacturing, blending or preparing same whether such sales are made in such person's own name or in the name of another or in the name of a representative, agent or employee of such person.

3. Every person who makes any sale in any quantity whatsoever to the consumer in intrastate commerce in this State of gasoline brought into

the State from outside the State, except that gasoline which is sold in intrastate commerce to the retailer for sale to the consumer, the selling of which latter mentioned is covered by subdivision 1 hereof.

4. Every person who produces, refines, manufactures, blends or compounds gasoline within this State, and who uses the same without having sold the same upon which a tax is due on such sale under Sections 1, 2 and 3 above.

5. Every person who imports gasoline into this State, and who uses the same in intrastate commerce in this State, which such gasoline so used has not been sold and a tax having not accrued or being required to be paid under Sections 1, 2 and 3 above.

6. All persons using gasoline in this State in intrastate commerce upon which such gasoline a tax has not been paid, accrued or required to be paid under the foregoing sections;

Provided that only a single tax shall be levied upon any one gallon of gasoline in this State, whether upon the sale or the use thereof, but not both, in intrastate commerce in this State, and provided that no tax shall be required to be paid on any gasoline upon which a tax has previously accrued under Article 7065 before the effective date hereof, and "sale," "sell" and "sold" as used herein, providing for the administration hereof and included in the general provisions hereof shall include the use of gasoline and permits issued shall authorize the use as well as the sale, and reports shall be made on the use as well as the sale upon which a tax is imposed.

Provided that no tax shall be imposed on any gasoline the imposing of which would constitute an unlawful burden on interstate commerce, nor which is not subject to tax under the Constitutions of the State of Texas and of the United States, nor gasoline sold to the Federal Government or any branch or agency thereof, the imposing of which would be obnoxious to the Federal Constitution.

"Article 7065-B. All distributors of gasoline in this State now engaged in the sale of gasoline upon which such tax is required to be paid, shall, on or before the thirtieth day after the passage of this Act, and all persons engaging in the sale

of gasoline as distributor thereafter, file a duly acknowledged application with the Comptroller of Public Accounts on a form prescribed by him, to be furnished upon written request of him, the failure to furnish which shall be no excuse for failure to file the same unless an absolute refusal is shown, which form shall set forth the name under which such distributor transacts or intends to sell gasoline as a distributor, the principal office, residence, place of business in Texas, and if other than an individual the principal officers or members thereof not to exceed three, and their office, street, or postoffice addresses. The Comptroller may require any other such information as he may desire in said application. No distributor shall, after above date, except herein provided, sell any gasoline until such application has been filed, together with bond and the obtaining of a permit. Provided that nothing in this Act shall be construed to require the filing of any application or securing of any permit where any sales are not subject to the tax.

"Article 7065-C. Upon receipt of the application and the bond hereinafter provided for the Comptroller shall issue to every distributor a permit authorizing the sale of gasoline in this State from the date of the issuance of said permit, until and including the following December 31st, and on or before January 1st of each year, and before any distributor shall engage in selling gasoline after January 1st, an application shall be filed and a permit obtained for the calendar year, where such sale would be subject to the tax. Said permit shall provide that the same is irrevocable and shall be suspended upon violation of any provisions of this Act or any reasonable rule or regulation adopted by the Comptroller, and if such permit is revoked or suspended said distributor shall not sell any gasoline until a new permit is granted or the suspension of the old permit removed.

"Article 7065-D. If any distributor has violated any provision of this Act, or any regulation adopted hereunder, and the Comptroller of Public Accounts desires to forfeit or suspend his permit, he shall give notice by registered mail, deposited in the United States mails, stating the reasons justifying forfeiture or sus-

pension of such permit, and that same shall be forfeited fifteen days from said date unless said distributor purge himself of such violation and pay any penalties that may be due. Provided, that if the Comptroller of Public Accounts illegally attempts to revoke or suspend said permit, said distributor, by giving at least two days notice to the Comptroller, may file a suit in equity in any court of Travis County having jurisdiction to enjoin the Comptroller's act and at any time after the expiration of said period the Comptroller may suspend or forfeit said permit unless enjoined. Any notice required to be given by the Comptroller may be mailed to the distributor at any place disclosed by the application required in Article 7065-B hereof.

"Article 7065-E. Before any permit shall be issued, as provided for herein, and before engaging in the sale of gasoline in Texas, every distributor shall execute and file with the Comptroller a good and sufficient surety bond signed by said distributor, and a good and sufficient surety company or companies authorized to do business in this State, shall be approved by the Comptroller in an amount not less than Ten Thousand (\$10,000.00) Dollars, and which bond or bonds in no event shall exceed One Hundred Thousand (\$100,000.00) Dollars, payable to the State of Texas, and conditioned for the full, complete, and faithful performance of all of the conditions and requirements of this Act, on a form to be prescribed by the Comptroller with the approval of the Attorney General, expressly providing for the payment of all taxes, costs, penalties, and interests at Austin, Texas. The amount of the bond required of any distributor shall be fixed by the Comptroller, and additional bond may be required by him at any time subject to the limitation herein provided, but the distributor may demand a reduction of his bond after six months from the effective date hereof in a sum to be not more than three times the highest tax said distributor has paid for any month during the preceding six months, but which shall never be less than Ten Thousand (\$10,000.00) Dollars. Provided, further, that no distributor shall be required to give more than the minimum bond the first month this Act becomes effective or the

month he shall first engage in business as a distributor, but thereafter the Comptroller may demand additional bond. No recoveries on any bond, or execution of any new bond or renewal of a permit shall invalidate any bond. A new bond may be demanded when any new permit is issued or revived, but no revocation or revival shall affect the validity of any bond.

"Article 7065-F. All taxes, fines, penalties and interest due by any distributor to the State shall be a preferred lien upon all of the property of any distributor devoted to or used by him as a distributor, not exempt under the Constitution, and if any distributor shall fail to remit proper taxes due, the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly remitted the distributor shall pay the reasonable expenses incurred in such investigation and audit as additional penalty.

"Article 7065-G. Whoever, as distributor, shall sell or use any gasoline or gasoline substitute upon which a tax is required to be paid by this Act without having first obtained and at the time having a valid permit as required by this Act, or whoever shall sell or use any gasoline or gasoline substitute in this State as agent, employee, or representative of a distributor upon which a tax is imposed by this Act, knowing that such distributor has not obtained a permit as required by this Act, or that said distributor does not at the time have a valid permit, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than One Hundred (\$100.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars, or be confined in the county jail not more than six months or both such fine and imprisonment.

"Article 7065-H. Every distributor required to obtain a permit under the provisions of this Act shall keep a complete record of all crude oil and other oil or products from which such distributor may refine or blend any gasoline that is sold by him upon which the tax is due, and shall keep numbered sales tickets upon every sale upon which a tax is due under the provision of this Act where such sales are in quantities of over twenty-five gallons, which tick-

ets shall be numbered consecutively, shall show the quantity sold, the purchaser and address, the date and means of delivery, and shall be preserved, and a complete record of all gasoline received and distributed by every distributor in this State, whether a tax is required to be paid upon the same or not, shall be kept, except gasoline sold in interstate commerce or for export. The Comptroller is authorized to adopt such rules and regulations requiring the keeping of such records as he may deem advisable to aid him in the enforcement of the provisions of this Act. Provided however, that where sales are made direct to the consumer, the distributor need not make sales tickets, but each day shall make an accurate record of the gasoline received at the point of dispensation, the amount sold to consumers direct, or used otherwise. This Article is cumulative of Article 7065.

"Article 7065-I. If any person shall willfully or knowingly destroy, mutilate or secrete any of the records required to be kept by the provisions of this Act, or shall refuse to allow the Comptroller or his representatives or the Attorney General or his representatives to examine the same, he shall be guilty of a misdemeanor, and shall be fined in a sum of not less than One Hundred (\$100.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars, or be confined in the county jail not more than six months, or both such fine and imprisonment.

"Article 7065-J. If any distributor shall (a) sell any gasoline or gasoline substitute upon which a tax is required to be paid without first having obtained, or at the time having a valid permit, or (b) fail to keep any of the records required to be kept by Article 7065h, or violate any provision thereof, or (c) fail to make the report required by Article 7065, or (d) fail to make the remittance, together with the report as required by Article 7065, or (e) refuse to permit the Comptroller, or his agents, to examine the books, records, or papers required to be kept by this Act, or violate any of the other provisions of this Act, or any rule or regulation adopted by the Comptroller, shall forfeit to the State as a penalty the sum of One Thousand (\$1,000.00) Dollars, and

each day's violation shall constitute a separate offense and incur another penalty, which if not paid shall be recovered in a suit by the Attorney General in a court of competent jurisdiction in Travis County, or any other court having jurisdiction, together with interest at the legal rate.

"Article 7065-K. Whoever shall, as agent or representative of a distributor, knowingly make any false entry or fails to make entries in the books required to be kept by this Act with intent to defraud the State, or whoever as such shall knowingly make a false or incomplete return as required to be made to the Comptroller of Public Accounts under this Act, shall be guilty of a misdemeanor and upon conviction therefor shall be fined in a sum not less than One Hundred (\$100.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars, or to be confined in the county jail not more than six months, or both such fine and imprisonment.

"Article 7065-L. (a) Every common carrier in this State having the custody of books and records showing the transportation of gasoline in this State, shall give and permit the Comptroller or his representatives free access to such books and records.

(b) Any person violating any provision of this Section shall be liable for the penalty prescribed in Article 7065-I.

"Article 7065-M. Every distributor at the time of making the report required by Article 7065, shall attach legal tender or make proper form of money order or exchange thereto payable to the State Treasurer in the amount of tax for the period covered by such report, provided however, that in computing the tax a deduction of three per cent of the quantity of motor fuels reported shall be allowed for evaporation and loss, which shall be deducted from the amount of the tax remitted.

Sec. 2. No permit shall be required of any distributor under the provisions of this act until as hereinbefore provided, before thirty (30) days from the taking effect hereof. Immediately upon the taking effect of this act the tax herein imposed shall be levied and collected on the sale, as defined herein, of gasoline. A report shall be made under Article

7065 of all sales of gasoline up to the taking effect of this Act, and all sales, as defined herein, thereafter shall be reported as provided herein. All taxes imposed under Article 7065 heretofore, and having accrued, and that have not been paid, shall be in no wise affected by this act, but all such taxes, penalties, and interest shall be paid, and all suits to collect the same shall be prosecuted.

Sec. 3. The provisions of this act are severable, and if any of the provisions hereof shall be held void the decision of the court shall not affect or impair any of the remaining provisions, and it is hereby declared as the legislature's intent that this act would have been adopted, increasing the tax from two (2c) cents to three (3c) cents without the levying of a tax on the use, and should any of the objects be held not subject to such tax the remaining objects and subjects would have been included, and the tax would have been increased and levied upon those objects without inclusion of the other.

Sec. 4. The fact that the present occupation tax on gasoline does not provide all the means for its economical and efficient enforcement, that such law is not equal and uniform and does not evenly distribute the burdens of taxation, that said tax is inadequate, and that the State is losing many hundreds of thousands of dollars because of the inability to enforce the act on account of its lax provisions, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 25, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 189, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on taking effect of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed in the Journal only.

POLLARD, Chairman.

By Pollard.

S. B. No. 189.

A BILL

To Be Entitled

An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on taking effect of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay miscellaneous claims against the State as herein enumerated:

To pay Atkinson, Mentzer and Company of Illinois, refund on franchise taxes	\$ 1,537.23
To pay Louis Werner Stave Company, refund on franchise taxes	1,788.00
To pay Union Bridge and Construction Company, refund on franchise taxes	798.50
To pay Hastings Industrial Company, refund on franchise taxes	1,062.00
To pay Willys-Overland, Inc., refund on franchise taxes	218.73
To pay Texarkana Water Corporation, refund on franchise taxes	603.61
To pay Webb Press Company, Ltd., refund on franchise taxes	1,154.12
To pay F. W. Woolworth Company, refund on franchise taxes	1,618.00
To pay W. E. Thomas Lumber Company, refund on franchise taxes	314.50
To pay The B. F. Goodrich Rubber Company, refund on franchise taxes	1,928.33
To pay Big Jo Lumber Company, refund on franchise taxes	1,588.40
To pay Fidelity Trust Company, refund on franchise taxes	1,471.12

To pay Crystal Ice Company, Ltd., refund on franchise taxes	76.85
To pay American Sheet Metal Works of Louisiana, refund on franchise taxes	257.00
To pay Pittsburgh Filter & Engineering Company, refund on franchise taxes	582.00
To pay Deming Investment Company, refund on franchise taxes	149.57
To pay The Progressive Farmer Company, refund on franchise taxes	508.00
To pay American National Bank, Austin, Texas, for money advanced for the construction of two buildings at A. & M. College	31,875.52
To pay Joseph W. Bell, executor of the Estate of Dr. John F. Bell for over-paid inheritance tax	1,164.68
To pay Southwestern Bell Telephone Company	13.88
To pay Southwest Hardware & Marine Supply Company, Houston, Texas	68.37
To pay one month's salary for labor of H. F. Carlisle	108.50
To pay Gulf Refining	37.36
To reimburse Mrs. Forrest H. Farley, President of the Texas Division, United Daughters of the Confederacy, for money spent for chairs purchased for the Confederate Woman's Home	250.00
To pay W. T. Davis for services as Special Associate Justice of the 9th Court of Civil Appeals at Beaumont for four days	55.52
To pay Travis Lackey for services as Special District Attorney of the 84th Judicial District	60.00
To pay Woodburn Oil Cooperation for refund of franchise taxes over	

paid to the Secretary of State	10,856.00	Investment Company as refund of franchise taxes over paid State	5,720.96
To pay Fred Miller Brewing Company of Milwaukee Wisconsin as a refund of franchise taxes over paid to State	3,417.00	To pay Louisiana & Texas Lumber Company as refund of franchise taxes over paid the State	1,740.90
To pay Wrought Iron Range Company as a refund of franchise taxes over paid to the State	6,209.64	To pay Newson & Company as refund of franchise taxes over paid the State	1,077.25
To pay Barnhart Mercantile Company as a refund of franchise taxes over paid to State	1,195.04	To pay Clinchfield Fuel Company as refund of franchise taxes over paid the State	158.00
To pay Gullett Gin Company as franchise taxes over paid to the State	1,838.82	To pay A. M. Lockett Company as refund of franchise taxes over paid the State	556.70
To pay American Cement Plaster Company, as refund of franchise taxes over paid to State	4,643.34	To pay F. E. Newberry Electric Company as refund of franchise taxes over paid the State	190.00
To pay McAlister Fuel Company, as refund of franchise taxes over paid the State	1,148.54	To pay Jewel Tea Co., Inc. as refund of franchise taxes over paid the State	145.55
To pay Delta Land & Timber Company as refund of franchise taxes over paid to State	4,298.55	To pay Litchfield Land Company as refund of franchise taxes over paid the State	293.11
To pay Wilson & Company as a refund of franchise taxes over paid the State	1,687.00	To pay John F. Meyers & Sons Milling Company as refund of franchise taxes over paid the State	1,092.00
To pay Gilsonite Construction Company as refund of franchise taxes over paid the State	765.98	To pay Studebaker Corporation of America as refund of franchise taxes over paid the State	490.00
To pay Hanlin Supply Company as refund of franchise taxes over paid the State	815.40	To pay Waddell Investment Company as refund of franchise taxes over paid the State	352.76
To pay Missouri Valley Bridge & Iron Company as refund of franchise taxes over paid to State	1,062.55	To pay Ogus, Robinovich & Ogus as refund of franchise taxes over paid the State	382.60
To pay B. F. Avery & Sons as refund of franchise taxes over paid to State	1,007.49	To pay Standard Computing Scale Company as refund of franchise taxes over paid the State	848.00
To pay F. C. Austin Company Inc. as refund of franchise taxes over paid to State	768.50	To pay Maxwell Investment Company as refund of franchise taxes over paid the State	433.37
To pay National Loan &		To pay Pittsburgh Piping & Equipment Company as refund of franchise taxes over paid	

the State _____	877.34	pany as a refund of franchise taxes paid to the State _____	1,245.00
To pay Carman Laundry Supply Co., as refund of franchise taxes over paid the State _____	74.00	To pay Verein Frohsinn of Weimer Texas as a refund of franchise taxes erroneously paid to the State _____	349.50
To pay Sodeman Heat & Power Co., as refund of franchise taxes over paid the State _____	270.50	To pay Beall Hardware Company as a refund of franchise taxes erroneously paid to the State _____	17.50
To pay Central Coal & Coke Co., as refund of franchise taxes over paid the State _____	8,193.00	To pay Albert Weiblen Marble Granite Company as refund on franchise taxes over paid the State _____	820.00
To pay Marshall Mill & Elevator Company as a refund of franchise taxes erroneously paid to the State _____	295.88	To pay Nelson Loan Company, as refund on franchise taxes over paid the State _____	386.24
To pay Smith Bros. Properties Company as a refund of excessive filing fee paid to the Secretary of State _____	1,892.15	To pay Power Manufacturing Company as refund on franchise taxes over paid the State _____	248.00
To pay Caldwell-Guadalupe Pick Up Station as a refund of gross production and Pipe Line taxes erroneously paid to the State _____	1,606.69	To pay Hoffman Heater Company as refund on franchise taxes over paid the State _____	356.50
To pay Fort Worth & Denver Terminal Company as a refund of taxes and penalties erroneously paid under Chapter 2, Section 16, of the Act of the 30th, Legislature, same being Article 7384 of the Revised Civil Statute of 1911 _____	3,210.00	To pay Dodd, Mead & Company as refund on franchise taxes over paid the State _____	198.75
To pay \$90,000.00 principal and \$70,000.00 interest on bonds purchased by the State Board of Education for the permanent School fund, which Bonds were issued under Chapter 24 of the 31st Legislature _____	160,000.00	To pay B. F. Johnson Publishing Company as refund on franchise taxes over paid the State _____	6,759.00
To pay E. O. Moffett Official Court Reporter of the 94th Judicial District for transcript in cause No. 32975 _____	90.00	To pay Dickerson Trust Company as refund on franchise taxes over paid the State _____	1,327.67
To pay Knights of Pythias Lodge No. 297 of Stamford, Texas as a refund of franchise taxes erroneously paid to the State _____	65.00	To pay Cudahy Packing Company of Louisiana, Ltd. as refund on franchise taxes over paid the State _____	1,378.00
To pay Weatherford Mineral Well & Northwestern Railway Com-		To pay Albert Weiblen Marble & Granite Company as a refund on franchise taxes over paid to the State _____	820.00
		To pay Delta Lumber Company as a refund on franchise taxes over paid the State _____	375.00
		To pay Coco-Cola Company as a refund on franchise taxes over paid the State _____	3,623.19
		To pay Fort Worth Textile Mills as a refund	

on filing fee and franchise taxes paid to the State	2,743.00	taxes for the year 1926	1,175.58
To pay Farmers Mutual Insurance Association as a refund of franchise taxes erroneously paid to the State	130.00	To pay to the following named insurance companies and casualty companies the amount set opposite their respective names as a refund to each of said concerns for the money paid to the State of Texas by each of said concerns in the form of license fees of fifty (50) cents for each license issued to each of the agents of said concerns during the years 1922 and 1923, which said sums of money were illegally and unlawfully collected by the State of Texas through the Department of Insurance and Banking during the years 1922 and 1923, in accordance with the decision of the Supreme Court of the State of Texas in an opinion by Chief Justice Cureton in Franklin Fire Insurance Company, et al vs. Hall, Commissioner of Insurance and Banking 247 S. W. 822, to-wit:	
To pay Bering Manufacturing Company as a refund of franchise taxes erroneously paid to the State	1,855.00		
To pay J. M. Walker for amount paid to the State on May 29th, 1890, in satisfaction of nine judgments rendered in the District Court of Falls County, Texas, wherein the State of Texas was plaintiff and Will Mitchell as principal and J. M. Walker as surety on forfeited bail-bonds in causes Numbered 2475, 2576, 2477, 2478, 2479, 2480, 2481, 2482, and 2483, said amount herein appropriated being principal and interest and costs due up to the said J. M. Walker in connection with the said claim	5,579.56	(Post office address of these companies, care Max Werkenthin, Austin, Texas.)	
To pay Dale Oil Corporation, refund of franchise taxes erroneously paid to the State	562.50	British & Foreign Marine Ins. Co.	\$ 5.00
To pay MacMillan Company, refund of over payment of filing fee paid to the Secretary of State	1,990.00	Capital Life Insurance Co., of Denver	16.00
To pay O. A. Mathews, refund of payments made to the State on the W. M. Slay purchase of Alex. H. Kerr, School Survey, Baylor and Throckmorton Counties	776.13	Standard Marine Insurance Company	51.50
To pay Swift and Company, refund of over payment of State taxes on property in Neches County for the year 1924	60.00	Fidelity-Phenix Fire Insurance Co.	259.50
To pay Illinois Bankers Life Association, refund of money over paid to the State as		American Eagle Fire Insurance Co.	112.00
		National Ben Franklin City Insurance Company of Pennsylvania	233.50
		Lincoln National Life Insurance Co.	84.50
		Central Life Insurance Company of Illinois	92.00
		Guarantee Fund Life Association	23.00
		American National Assurance Co.	43.50
		Aetna Casualty & Surety Company	14.50
		Aetna Insurance Company	264.00
		Aetna Life Insurance Company	326.00
		American Automobile Insurance Co.	339.00
		American Central Insurance Co.	15.00
		American Central Life Ins. Co.	5.50
		American Druggist Fire Ins. Co.	99.50
			1.50

American Equitable Assurance Co.	2.00	Georgia Casualty Company	47.00
American Indemnity Company	70.00	Globe Indemnity Company	69.00
American Life Reinsurance Company	3.50	Grain Dealers National Mutual Fire Ins. Co.	12.00
American National Insurance Co.	542.50	Great Lakes Insurance Company	13.00
American Surety Company	568.00	Great Republic Life Ins. Co.	39.00
Amicable Life Insurance Company	221.50	Great Southern Life Insurance Co.	239.00
Atlas Assurance Co., Ltd.	95.50	Hanover Fire Insurance Company	169.00
Automobile Insurance Co.	413.00	Hartford Fire Ins. Company	119.00
Bankers Health & Accident Ass'n.	37.00	Illinois Bankers Life Ass'n	92.00
Bankers Life Company	158.50	Indemnity Company of America	22.00
Bankers Reserve Life Company	56.50	Indianapolis Life Ins. Co.	23.50
Business Men's Assurance Co. of America ..	18.00	Insurance Company of North America	178.50
Caledonian Insurance Company	67.00	International Life Insurance Co.	77.00
California State Life Ins. Co.	26.50	International Travelers Ass'n.	11.50
Camden Fire Insurance Ass'n	7.50	Jefferson Standard Life Co.	155.00
Central States Life Ins. Co.	27.00	London & Lancashire Fire Ins. Co. Ltd.	57.50
Cloverleaf Life & Casualty Co.	59.50	London Assurance Corp.	77.50
Columbian National Fire Ins. Co.	93.50	London Guarantee & Accident Co. Ltd.	70.50
Concordia Fire Ins. Co. ..	82.50	Louisiana State Life Insurance Co.	7.50
Continental Insurance Company	340.00	Lumbermen's Mutual Casualty Co.	12.50
Continental Life Insurance Co.	35.50	Manhattan Life Insurance Co.	121.00
Detroit Fidelity & Surety Co.	6.00	Medical Protective Company	4.50
Eagle Star & British Dominion Ins. Co.	6.00	Merchants Fire Assurance Corp.	107.50
Employers Casualty Company	28.00	Merchants Life Insurance Company	38.50
Employers Liability Assurance Corp.	259.50	Metropolitan Health & Accident Ins Co	7.00
Federal Insurance Company	45.00	Mill Owners Mutual Fire Ins. Co.	15.50
Federal Surety Company	16.50	Missouri State Life Ins. Co.	175.00
Fidelity & Casualty Co.	114.50	National Fidelity Life Ins. Co.	12.50
Fidelity & Deposit Co.	271.00	National Life Ins. Co. of the U. S. A.	209.00
Fidelity Union Casualty Co.	28.00	National Reserve Ins. Co.	15.50
Fidelity Union Fire Ins. Co.	50.00	National Reserve Life Ins. Co.	6.50
Firemen's Insurance Company	9.00	National Surety Company	321.00
Fort Worth Life Insurance Co.	107.50	National Union Fire Ins. Co.	242.00
Franklin Life Insurance Co.	84.00	New Amsterdam Casualty Co. of N. Y.	2.00
General Accident Fire & Life Assurance Corp.	17.00		

New York Plate Glass Insurance Co.	38.50	Company	24.00
New Zealand Insurance Co. Ltd.	17.00	State Farmers Mutual Hail Ins. Co.	19.50
North American Accident Ins. Co.	211.50	Sun Insurance Office	104.00
North River Insurance Co.	2.00	Superior Fire Insurance Company	379.00
Northwestern Fire & Marine Ins. Co.	61.00	Texas Employers Insurance Association	19.00
Northwestern National Ins. Co.	123.50	Texas Hardware & Implement Mutual Fire	3.00
Northwestern National Life Ins. Co.	91.00	Texas Indemnity Insurance Company	11.50
Norwich Union Fire Ins. Society Ltd.	81.00	Texas Life Insurance Company	72.00
Norwich Union Indemnity Co.	24.00	Texas Mutual Life Insurance Co.	60.00
Occidental Life Ins. Co.	45.00	Texas National Mutual Fire	12.00
Ocean Accident & Guaranty Corp.	142.00	Texas State Mutual Fire Ins. Co.	3.50
Orient Ins. Co.	102.00	Tokio Marine & Fire Insurance Co.	150.00
Pacific Mutual Life Ins. Co.	116.00	Two Republics Life Insurance Co.	86.00
Patriotic Insurance Co. of America	58.00	Union Central Life Insurance Co.	101.00
Phenix Fire Insurance Company	33.00	Union Insurance Society of Canton	12.50
Phoenix Indemnity Company	28.00	United Fidelity Life Ins. Co.	142.50
Protective Life Insurance Company	21.50	United Life & Accident Ins. Co.	11.50
Provident Life & Accident Ins. Co.	71.00	United States Casualty Company	132.00
Queen Insurance Company of America	3.50	United States Fidelity & Guaranty Co.	330.50
Reinsurance Life Company of America	58.00	United States Fire Insurance Company	15.00
Reserve Loan Life Insurance Company	67.50	Volunteer State Life Insurance Company	38.00
Ridgeley Protective Association	8.00	West Coast Life Insurance Co.	39.50
Royal Indemnity Company	16.00	Western Casualty Company	17.00
Royal Union Mutual Life Ins. Co.	9.00	Employers Indemnity Corp.	81.00
St. Paul Fire & Marine Ins. Co.	5.00	To pay W. L. Douglas Shoe Company, refund of over payment of filing fee paid to the Secretary of State	1,670.00
San Jacinto Life Insurance Company	97.00	To pay Alex. Sprunt & Son Inc., refund of over payment of filing fee paid to the Secretary of State	1,540.00
Sea Insurance Company	28.50	To pay Mrs. Hannah Phelps, refund of taxes erroneously assessed and paid to the State	53.70
Southern Casualty Company	139.50	To pay Mrs. E. W. McCormick refund of taxes erroneously as-	
Southern Surety Company	92.00		
Southern Union Life Insurance Co.	56.50		
Southland Life Insurance Company	250.00		
Southwestern Life Insurance Co.	590.50		
Standard Accident Insurance Co.	107.00		
Standard Life Insurance			

sesed and paid to the State	8.25	paid to the State	18.30
To pay Rapid City Gulf Coast Development Co., refund of taxes erroneously assessed and paid to the State	16.72	To pay to the Tax Collector of Houston County for 1928 taxes on the Eastham State Prison Farm	901.88
To pay E. A. Hudson, refund of taxes erroneously assessed and paid to the State	33.00	To pay School Bond taxes on the Derrington State Prison Farm for the year 1928	539.76
To pay C. H. Wright, refund of taxes erroneously assessed and paid to the State	26.40	To pay County Taxes on Derrington State Prison for year 1928	742.17
To pay F. J. Linderman, refund of taxes erroneously assessed and paid to the State	21.00	To pay County tax on the Clemens State Prison Farm for the year 1928	903.21
To pay Mrs. Alice Cousins, refund of taxes erroneously assessed and paid to the State ..	32.40	To pay County taxes on the Retreive State Prison Farm for the year 1928	819.34
To pay J. C. Hughes, refund of taxes erroneously assessed and paid to the State	31.35	To pay County taxes on Ramsey State Prison Farm for the year 1928	1,654.95
To pay H. J. McMurtrie, refund of taxes erroneously assessed and paid to the State	21.15	To pay County taxes on the Harlem State Prison Farm for the year 1927	995.21
To pay Russell McMillan, refund of taxes erroneously assessed and paid to the State ..	26.40	To pay County taxes on the Harlem State Prison Farm for the year 1928	978.90
To pay W. F. Britton, refund of taxes erroneously assessed and paid to the State	52.80	To pay County taxes on the Imperial State Prison Farm for the year 1927	1,001.74
To pay C. McElveen, refund of taxes erroneously assessed and paid to the State	20.55	To pay County taxes on the Imperial State Prison Farm for the year 1928	985.32
To pay M. M. Ulfers, refund of taxes erroneously assessed and paid to the State	54.00	To pay County taxes on the Blue Ridge State Prison Farm for the year 1927.	734.20
To pay J. E. Leavitt, et al, refund of taxes erroneously assessed and paid to the State	100.14	To pay County taxes on the Blue Ridge State Prison Farm for the year 1928.	722.16
To pay J. W. Thier, refund of taxes erroneously assessed and paid to the State	34.11	To pay County taxes on the Oil Mill, owned by the Prison System at Richmond, Texas for years 1923, 1924, 1925, 1926, 1927, and 1928	1,930.00
To pay Bay City Cattle Company, refund of taxes erroneously assessed and paid to the State	32.70	To pay Robert J. Kleburg, Sr, Caesar Kleburg, John D. Finnegan, Richard Mifflin Kleburg, Samuel G. Ragland, Robert J. Kleburg, Jr, and Richard King, trustees of	

the estate of Mrs. Henneretti King, deceased, refund of amount erroneously paid to the State, as royalty on Oil and Gas produced on the lands covering the oil and gas permit No. 6492, and also by Oil and Gas lease No. 6492 issued by the commissioner of the general Land Office ..	15,297.69	To pay Gammels Book for books furnished the Attorney General	35.00
To pay Wiley Pollard, Sheriff of Potter County, for expenses incurred outside of the State in going to Leavenworth, Kansas and returning with two prisoners, Ellery Roberts, alias, A. R. English and Nicholas V. Troeter, alias, Roy Anderson	549.18	To pay Audley Harris, for services as special prosecutor in the Criminal District Court of Travis County	60.00
To pay Doctor I. Warner Jenkins, of Waco, Texas for treating J. F. Hardy, an inmate of the confederate home at Austin	50.00	To pay Mrs. S. S. Heard for services as secretary to Mrs. J. E. King, chairman of the Board of Supervisors of the State Penitentiaries ..	447.00
To pay Texas-Louisiana Power Company, balance due for converting three miles of line from Gatesville to State Training School from 2300 volts to 22000 volts	2,411.36	To pay the International & Great Northern Railroad Company balance due undercharge on freight bill No. 5119	197.67
To pay Judge L. M. Goss for two days salary as Special Judge of the 29th Judicial District ..	20.00	To pay Clint D. Lewis, as reward offered in July, 1923, for the apprehension and conviction of the slayer of Otto Lange	500.00
To pay Sam Russell, for one day as District Attorney of the 29th Judicial District	10.00	To pay Lawyers Cooperative Publishing Company, for books furnished Attorney General	12.50
To pay E. T. Anderson for services in two felony cases, State vs. Epps, and State vs. Haynes	30.00	To pay F. A. Mitchell, amount over paid as taxes to Presidio County	85.22
To pay Carl Busch, for expenses incurred in causes No. 5553 and 5556	40.00	To pay H. S. McReady, for amount expended for railroad fare, hotel and meals on a trip to Portland and Spokane, to get a prisoner	235.18
To pay Ben S. Baldwin, for salary as acting district attorney for the 84th Judicial District, from October 27th, 1928, to October 31st, 1928	100.00	To pay B. G. Neighbors, county attorney for one days services representing the State in the absence of the district attorney	20.00
		To pay C. L. Robertson, refund of franchise taxes erroneously paid to the State	77.50
		To pay Tobins of Austin, Texas, for stationery and supplies furnished the Board of Supervisors of the State Penitentiaries from 1923 to 1925 ..	61.83
		To pay Tobins of Austin, Texas, for stationery and supplies furnished Texas State Parks Board	1.84
		To pay Tobins for stationery and supplies	

of Texas. The records show that this claim, in the above amount, was recognized by the Legislature of Texas in 1871, and 1873 respectively, but was not actually paid and has never been paid. Satisfactory proof was submitted to the Claims Committee that Reynolds Lowry, Anna McKinney Lowry, and Mrs. Mary Nelson Nolen are entitled to receive the sum here allowed, under the wills of the said Thos. F. McKinney and his wife, Mrs. Anna McKinney, but for further certainty, it is directed that the Comptroller shall deliver the warrant for the sum hereinabove allowed, only upon the filing with him of a certificate of the county judge of Travis County, where said claimants reside, to the effect that properly certified copies of the Wills of Thos. F. McKinney, and his wife, Mrs. Anna McKinney, have been filed with him, together with at least two written affidavits of responsible and credible persons, showing that claimants are the only children and heirs at law of Mrs. Mag. A. Lowry, residuary legatee, and that under the provisions of said wills and the facts, said sum is legally payable to the said Reynolds Lowry, Anna McKinney Lowry and Mrs. Mary Nelson Nolen. The certified copies of said wills and written proofs submitted, to accompany said certificate ----- \$ 16,942.80

o pay Mr. P. B. Ralls, executor of the Estate of John R. Ralls, re-

fund on inheritance taxes	2,213.04	1928	211.00
To pay The Shamrock Petroleum Company, franchise taxes erroneously collected	153.50	To pay Graham Bros. for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	900.00
To pay Coolidge Drug Company, for franchise tax and penalties erroneously collected	23.50	To pay Thos. V. Skaggs, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	357.50
To pay Vacumn Oil Company, for a refund of filing fees	2,500.00	To pay Cipriano Hernandez, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	386.25
To pay The Citizens National Bank, Marlin, Texas for taxes erroneously assessed and collected	914.00	To pay La Harmonia Co. for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	12,662.84
To pay Dixon Creek Oil Company, for refund of franchise taxes	87.00	To pay R. W. Derrick, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	3,108.40
To pay Mrs. Ed Mills for damages for the death of her husband due to bridge accident on Highway No. 3, at Columbus, Colorado County, Texas, out of State Highway funds, \$1500.00 each year of the Biennium	3,000.00	To pay Reynalda Enrique Garcia, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	46.65
To pay Annie Cooke, C. C. of Austin, Texas, for expenditures in Texas Extension Teaching Service	5,000.00	To pay Feliz Gomez, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	35.50
To pay Paz Molinar, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	144.50	To pay Ruperto Chabarrío, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	69.25
To pay Juan Molinar, for damages for not being allowed to raise cotton in Brewster County, Texas during the year 1928	31.50	To pay J. L. Sublett, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	1,287.50
To pay Alberto Molinar, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	257.50	To pay Deciderio Ortega, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	161.70
To pay Antonio Franco, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	215.00	To pay Ramon Najor, for damages for not	
To pay Jesus Saiz, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year			

being allowed to raise cotton in Brewster County, Texas, during the year 1928	208.00	pany, for refund of excess payment of filing fees	7,500.00
To pay Espofanio Martinez, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	208.00	To pay Prairie Pipe Line Company, for refund of excess payment of filing fees	2,500.00
To pay Luis Acosta, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	458.00	To pay Prairie Oil and Gas Company, for refund of excess payment of filing fees	2,500.00
To pay Guadalupe Hernandez, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	166.00	To pay Bemis Bro. Bag Company, for refund of excess payment of filing fees	2,500.00
To pay Elmo Johnson, for damages for not being allowed to raise cotton in Brewster County, Texas, during the year 1928	4,072.00	To pay Skelly Oil Company, for refund of excess payment of filing fees	620.00
To pay Texas Electric Railway, Dallas County, Texas, for refund on Gross Receipts Taxes over-paid for the years 1917-1927	26,470.95	To pay Benjamin Moore & Company, for refund of excess payment of filing fees	-
To pay Stroube & Stroube, for an over assessment of State Taxes on the Stroube & Hill Lease for the years 1924, 1925, 1926 and 1927	636.83	To pay Darby Petroleum Corporation, for refund of excess payment of filing fees	1,240.00
To pay Butler Bros. Dallas, Texas, for refund for excess payment of filing fees	150.00	To pay Oil Well Supply Company, for refund of excess payment of filing fees	2,550.00
To pay Graham Paper Company, for refund for excess payment of filing fees	580.00	To pay United States Rubber Company, for refund of excess payment of filing fees	1,690.00
To pay Associated Oil Company, for refund payment of filing fees	2,500.00	To pay E. I. Dupont de Nemours & Company, for refund of excess payment of filing fees	2,500.00
To pay Hercules Powder Company, for refund for excess payment of filing fees	2,500.00	To pay Pittsburg Plate Glass Company, for refund of excess payment of filing fees	2,600.00
To pay M. Samuels and Company, Limited, for refund of excess payment of filing fees	990.00	To pay Congoleum-Nairn, inc., for refund of excess payment of filing fees	2,500.00
To pay H. J. Heinz Com-		To pay United Cigar Stores Company of America, for refund of excess payment of filing fees	5,880.00
		To pay The Michie Company, for three copies 1921 Texas Annual and three copies 1922 Texas Annual	2,440.00
		To pay The State National of Mineral Wells, refund of franchise taxes erroneously collected	45.00
		To pay Parker County National Bank, refund	50.00

of franchise taxes erroneously collected	79.50
To pay Security State Bank of Mineral Wells, refund of franchise taxes erroneously collected	50.00
To pay R. J. Minton, commission on \$1153.29 @ 25% on Delinquent State Taxes collected	288.32
To pay Freeport Independent School District, Brazoria County, Texas, for School Bond Taxes on Clemens Stat Farm	748.34
To pay Independent Oil Company of Cleburne, Texas, for occupation taxes erroneously collected	240.48
To pay Malone Filling Station, Malone, Texas, for gasoline taxes erroneously collected	1,493.62
Total	488,138.20

Sec. 2. Wherever in this Act an amount is appropriated to pay refund of corporate franchise taxes, corporate filing fees, gross receipts taxes, or to pay refunds to insurance companies, the account before being paid shall first be approved by the Attorney General as to legality and by the head of the Department to which the money was originally paid as to correctness of the claim.

Sec. 3. The fact that many of the items of this bill should be paid as promptly as possible, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FIFTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,

Wednesday, June 26, 1929.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Bill No. 67.

The question recurred upon the pending motion to indefinitely postpone the further consideration of the amendment and the bill.

Senator Williamson moved the previous question on the motion to postpone.

The motion prevailed by the following vote:

Yeas—19.

Beck.	Patton.
Hornsby.	Pollard.
Hyer.	Russek.
Martin.	Stevenson.
McFarlane.	Thomason.
Miller.	Westbrook.
Moore.	Williamson.
Neal.	Wirt.
Parr.	Woodul.
Parrish.	

Nays—6.

Berkeley.	Love.
Gainer.	Small.
Holbrook.	Woodward.

Absent.

Cousins.	Greer.
Cunningham.	Hardin.
DeBerry.	Witt.

The motion to indefinitely postpone prevailed by the following vote:

Yeas—14.

Beck.	Stevenson.
Hardin.	Thomason.
Hyer.	Westbrook.
Moore.	Williamson.
Parr.	Wirt.
Patton.	Witt.
Russek.	Woodul.

Nays—14

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Neal.
Greer.	Parrish.
Holbrook.	Pollard.
Hornsby.	Small.
Love.	Woodward.

Absent.

Cousins.	Martin.
Gainer.	

The Chair voted ye

Messages From the House.

The Chair recognize the Door-